



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 20, 1998

Ms. E. Cary Grace
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR98-1282

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116374.

The City of Houston Police Department (the "department") received a request for incident report number 038503398T. You state that you will release the "Public Release Information" portion of the incident report; however, you assert that the remaining information is excepted from disclosure pursuant to section 552.108 of the Government Code. We have considered your arguments and reviewed the information submitted.

Section 552.108 of the Government Code excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]

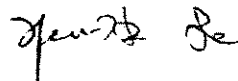
....

(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

You indicate that "the suspect in this case was not arrested and the case was cleared with no other arrests made." Because the requested information relates to an investigation that did not result in a conviction or deferred adjudication, we conclude that you may withhold the incident report under section 552.108(a)(2).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref.: ID# 116374

Enclosures: Submitted documents

cc: Ms. Pamela Perry
10500 Valley Forge, #96
Houston, Texas 77042
(w/o enclosures)